

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 597

Introduced by Senator Torlakson

February 18, 2005

An act to amend Section 1861.025 of the Insurance Code, relating to auto insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 597, as amended, Torlakson. Good driver discounts: drunk drivers.

Existing law provides that a person is qualified to purchase a Good Driver Discount auto insurance policy if he or she meets specified criteria, including not having been convicted of specified offenses relating to driving while intoxicated during the previous 7 years. The above provisions are amendments of Proposition 103, an initiative statute that may be amended by the Legislature only by a 2/3 vote and in furtherance of its purposes.

This bill would change the period during which a person must not have been convicted of one of these offenses to the period commencing on January 1, 1999, or the date 10 years prior to the date of application for the issuance or renewal of the Good Driver Discount policy, whichever is later, *and ending on the date of the application for the issuance or renewal of the Good Driver Discount policy.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1861.025 of the Insurance Code is amended to read:

1861.025. A person is qualified to purchase a Good Driver Discount policy if he or she meets all of the following criteria:

(a) He or she has been licensed to drive a motor vehicle for the previous three years.

(b) During the previous three years, he or she has not done any of the following:

(1) Had more than one violation point count determined as provided by subdivision (a), (b), (c), (d), (e), (g), or (h) of Section 12810 of the Vehicle Code, but subject to the following modifications:

For the purposes of this section, the driver of a motor vehicle involved in an accident for which he or she was principally at fault that resulted only in damage to property shall receive one violation point count, in addition to any other violation points that may be imposed for this accident.

If, under Section 488 or 488.5, an insurer is prohibited from increasing the premium on a policy on account of a violation, that violation shall not be included in determining the point count of the person.

If a violation is required to be reported under Section 1816 of the Vehicle Code, or under Section 784 of the Welfare and Institutions Code, or any other provision requiring the reporting of a violation by a minor, the violation shall be included for the purposes of this section in determining the point count in the same manner as is applicable to adult violations.

(2) Had more than one dismissal pursuant to Section 1803.5 of the Vehicle Code that was not made confidential pursuant to Section 1808.7 of the Vehicle Code, in the 36-month period for violations that would have resulted in the imposition of more than one violation point count under paragraph (1) if the complaint had not been dismissed.

(3) Was the driver of a motor vehicle involved in an accident that resulted in bodily injury or in the death of any person and was principally at fault. The commissioner shall adopt regulations setting guidelines to be used by insurers for the

1 determination of fault for the purposes of this paragraph and
2 paragraph (1).

3 (c) During the period commencing on January 1, 1999, or the
4 date 10 years prior to the date of application for the issuance or
5 renewal of the Good Driver Discount policy, whichever is later,
6 *and ending on the date of the application for the issuance or*
7 *renewal of the Good Driver Discount policy*, he or she has not
8 been convicted of a violation of Section 23140, 23152, or 23153
9 of the Vehicle Code, a felony violation of Section 23550 or
10 23566, or former Section 23175 or, as those sections read on
11 January 1, 1999, of the Vehicle Code, or a violation of Section
12 191.5 or paragraph (3) of subdivision (c) of Section 192 of the
13 Penal Code.

14 (d) Any person who claims that he or she meets the criteria of
15 subdivisions (a), (b), and (c) based entirely or partially on a
16 driver's license and driving experience acquired anywhere other
17 than in the United States or Canada is rebuttably presumed to be
18 qualified to purchase a Good Driver Discount policy if he or she
19 has been licensed to drive in the United States or Canada for at
20 least the previous 18 months and meets the criteria of
21 subdivisions (a), (b), and (c) for that period.